

Notice of Allowability	Application No.	Applicant(s)	
	09/867,582	CHOI ET AL.	
	Examiner	Art Unit	
	Khanh B. Pham	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to appeal brief filed December 03, 2004.
2. ☒ The allowed claim(s) is/are 1-3.
3. ☒ The drawings filed on 10 September 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Michael N. Haynes, Applicant's Representative, on April 7, 2005.

The application has been amended as follows:

In the claims:

Claim 3 has been amended as follows:

3. A[[n]] computer apparatus for typing customers/prospects, comprising:
- means for refining a survey via bestfit clustering;
 - means for refining survey results via composition analysis; and
 - means for identifying clusters of customer/prospects from the survey results via champion/challenger cluster refinement and panel analysis.

In the abstract:

The abstract has been replaced with the new abstract. (See next page)

ABSTRACT

Exemplary embodiments provide a computer-assisted method for typing customers/prospects, including the activities of: refining a survey via bestfit clustering; refining survey results via composition analysis; and identifying clusters of customers/prospects from the survey results via champion/challenger cluster refinement and panel analysis.

Allowable Subject Matter

2. Claims 1-3 are allowed.
3. The following is an examiner's statement of reasons for allowance:

Applicant's arguments in the Appeal Brief filed December 3, 2004 has been considered and are persuasive. Because applicants have elected to act as their own lexicographer, the examiner therefore relied on Applicant's specification for the definitions of claimed limitations: "bestfit clustering" as described at page 12, lines 12-14, "champion/challenger cluster refinement" at page 20, lines 2-8, "composition Analysis" as described at page 23 lines 3 to page 24, line 2 and "panel analysis" as described at page 36 and page 37 lines 4-10.

In view of the specification, prior art of record does not teach the combination of claimed elements including "refining a survey via bestfit clustering, refining survey result via composition analysis, and identifying clusters of customers/prospects from the survey results via champion/challenger cluster refinement and panel analysis" as claimed. The closest prior art of record, Wood reference, teaches the Classification Module 2000 for comparing user's score and result to determine closest match, but does not teach the step of refining a survey via bestfit clustering as claimed. Wood mentions the use of champion/challenger method, but does not explicitly teach the use of champion/challenger for identifying clusters of customers. Claims 1-3 are therefore allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh B. Pham whose telephone number is (571) 272-4116. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Khanh B. Pham
Examiner
Art Unit 2167

April 12, 2005
KBP


Primary Examiner